

Amendments to the Specification

Please replace the paragraph at page 10, beginning at line 10, under the heading SUMMARY OF THE INVENTION with the following:

According to the invention, there is provided a hybrid maize plant, and its parts designated as 35D28, produced by crossing two Pioneer Hi-Bred International, Inc. proprietary inbred maize lines GE568076 and GE760370. These lines, deposited with the American Type Culture Collection, (ATCC), Manassas, Virginia 20110, have Accession Number [[____]] PTA-6368 for GE568076 and Accession Number [[____]] PTA-6380 for GE760370. This invention thus relates to the hybrid seed 35D28, the hybrid plant and its parts produced from the seed, and variants, mutants and trivial modifications of hybrid maize 35D28. This invention also relates to methods for producing a maize plant containing in its genetic material one or more transgenes and to the transgenic maize plants and their parts produced by those methods. This invention further relates to methods for producing maize lines derived from hybrid maize 35D28 and to the maize lines derived by the use of those methods. This hybrid maize plant is characterized by excellent grain yield, rapid grain moisture drydown and vigorous early plant growth.

Please replace the paragraph at page 71, beginning at line 3, under the heading DEPOSITS with the following:

Applicant has made a deposit of at least 2500 seeds of hybrid maize 35D28 and inbred parent plants GE568076 and GE760370 with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit [[No. _____, _____, and _____]] Nos. PTA-6419, PTA-6368, and PTA-6380, respectively. The seeds deposited with the ATCC on [[____]] December 6, 2004, December 1, 2004, and December 1, 2004 respectively, were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make available to the public, pursuant to 37 C.F.R. § 1.808, sample(s) of the deposit of at

least 2500 seeds of hybrid maize 35D28 and inbred parent plants GE568076 and GE760370 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209. This deposit of seed of hybrid maize 35D28 and GE568076 and GE760370 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample upon deposit. Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). ~~U.S. Plant Variety Protection of Hybrid Maize 35D28 has been applied for under Application No. _____.~~